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Notice of Allowability

Application No.

10/029,904

Examiner

Scott E. Jones

Applicant(s)

MANTYJARVI ET AL.

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 3, 2005.
2. ☒ The allowed claim(s) is/are 1,8,11-14,19,21,24-34,37-47 and 50-52.
3. ☒ The drawings filed on 21 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2005 has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Henry I. Steckler on April 27, 2005.

The application has been amended as follows:

In claim 1, last line, replace "an" with --the--.

In claim 8, line 2, insert --of the object in relation to the terminal-- after "release".

In claim 11, line 2, insert --in relation to the terminal-- after "object".

In claim 12, line 2, insert --in relation to the terminal-- after "object".

In claim 13, line 2, insert --in relation to the terminal-- after "object".

In claim 14, last line, replace "an" with --the--.

In claim 19, line 2, insert --of the object proportioned to the terminal-- after "release".

In claim 21, line 2, insert --of the object proportioned to the terminal-- after "release".

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In claim 24, line 2, insert --proportioned to the terminal-- after “object”.

In claim 25, line 2, insert --proportioned to the terminal-- after “object”.

In claim 26, line 2, insert --proportioned to the terminal-- after “object”.

In claim 27, line 8, insert --the-- before “object”.

In claim 27, line 16, replace “an” with --the--.

In claim 28, line 2, insert --in relation to the terminal-- after “objects”.

In claim 31, line 2, insert --of the object in relation to the terminal-- after “release”.

In claim 32, line 2, insert --of the object in relation to the terminal-- after “release”.

In claim 33, line 2, insert --in relation to the terminal-- after “objects”.

In claim 34, line 2, insert --of the object in relation to the terminal-- after “release”.

In claim 37, line 2, insert --in relation to the terminal-- after “object”.

In claim 38, line 2, insert --of-- after “means”.

In claim 39, line 2, insert --in relation to the terminal-- after “object”.

In claim 40, line 19, replace “an” with --the--.

In claim 40, last line, insert --in relation to the terminal-- after “objects”.

In claim 41, line 2, insert --in relation to the terminal-- after “objects”.

In claim 44, line 2, insert --of the object in relation to the terminal-- after “release”.

In claim 45, line 3, insert --in relation to the terminal-- after “objects”.

In claim 46, line 2, insert --in relation to the terminal-- after “objects”.

In claim 47, line 2, insert --of the object in relation to the terminal-- after “release”.

In claim 50, line 1, replace “20” with --40--.

In claim 50, line 2, insert --in relation to the terminal-- after “object”.

In claim 51, line 2, insert --in relation to the terminal-- after "object".

In claim 52, line 2, insert --in relation to the terminal-- after "object".

3. The following is an examiner's statement of reasons for allowance: The instant invention is deemed to be an improvement over the prior art of record. The improvement comprising the movement of an object on the screen is proportional to the movement of another object in relation or proportioned to the terminal. The improvement allows a game player having decreased motoric coordination or weakened manual power due to injury or age play a game without use of a joystick or mouse which would be otherwise difficult.

The prior art, Masuyama et al. (U.S. Pub. No. 2002/0072418), discloses a portable game apparatus with an acceleration sensor and information storage medium storing a game program, and more particularly a portable game apparatus and information storage medium storing a game program wherein tilting or movement of the portable game apparatus is detected by an acceleration sensor or proximity switch (z-axis direction contact switch) and is utilized as operational information for game control. However, the operational control of the game is based on the movement of the portable game apparatus itself and does not take into account movements of other objects in relation to the portable game apparatus as inputs to control the game as similarly claimed in the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Primary Examiner
Art Unit 3713



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